

November 16, 2020

By ECF

The Honorable Gregory H. Woods
United States District Court
Southern District of New York
500 Pearl Street, Room 2260
New York, NY 10007

Cardwell v. Davis Polk & Wardwell LLP, et al.
19-cv-10256-GHW (S.D.N.Y.)

Dear Judge Woods:

Pursuant to Rule 15(a)(2) of the F.R.C.P.,¹ and in response to Your Honor's comments during the November 13, 2020 teleconference concerning the Second Amended Complaint ("SAC"), Plaintiff respectfully seeks leave to clarify three counts in the SAC (ECF No. 95). Plaintiff requested Defendants' consent to do so, which counsel declined to provide.

This morning, Plaintiff discovered that Counts Three, Five, and Nine of the SAC inadvertently omit "Davis Polk" as a party that discriminated against Mr. Cardwell. To make these three counts consistent with (i) the Counts section of the FAC (ECF No. 37), which attributes such discrimination to "Defendants" generally, including "Davis Polk"; (ii) Count One of the SAC, which specifically alleges that "Davis Polk discriminated against Mr. Cardwell...", and (iii) Counts Six and Ten (which specifically allege that "Defendants," which includes Davis Polk, discriminated against Mr. Cardwell)—Plaintiff seeks the Court's permission to re-insert "Davis Polk" to paragraphs 601, 610, 626 of the SAC.

If the Court grants Plaintiff's request, Plaintiff will fix the drafting error upon the re-filing the SAC (i.e., if the Court denies, in part or whole, Defendants' forthcoming application to redact), in a promptly filed amended complaint,² or in whatever manner and timeframe the Court permits.

Respectfully submitted,

/s/ David Jeffries

David Jeffries

¹ Fed. R. Civ. P. 15(a)(2) provides that courts "should freely give leave when justice so requires."

² If the Court grants Plaintiff's request, Plaintiff will not make any further changes to the SAC.

cc (via ECF):

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